

SUMMARY OF ETHICS RULES INTERNATIONAL TRADE ADMINISTRATION 2010

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**ETHICS LAW AND PROGRAMS
DIVISION
OFFICE OF THE ASSISTANT
GENERAL COUNSEL FOR
ADMINISTRATION
UNITED STATES DEPARTMENT OF
COMMERCE
202-482-5384
ethicsdivision@doc.gov
www.ogc.doc.gov/ethics.html**

PUBLIC SERVICE IS A PUBLIC TRUST

As an employee of the International Trade Administration (ITA), you have been placed in a position of trust and are held to a high standard of ethical conduct. This handout contains a summary of the rules set forth in conflict of interest statutes and the *Standards of Ethical Conduct for Employees of the Executive Branch*. You should retain this handout for use as a reference source. The first part of the handout contains a basic summary of ethics rules; the second part provides specific guidance for ITA employees regarding some of the ethics rules.

For advice about ethics rules, contact the Ethics Law and Programs Division of the Office of the Assistant General Counsel for Administration, U.S. Department of Commerce, at 202-482-5384 or ethicsdivision@doc.gov.

Designated Agency Ethics Official:
Cameron F. Kerry, General Counsel

Alternate Designated Agency Ethics Official:
Barbara S. Fredericks, Assistant General Counsel for Administration

Office of the Assistant General Counsel for Administration

To obtain legal advice regarding other administrative law issues, call the:

Employment and Labor Law Division at 202-482-5017 – for advice regarding personnel law and labor law issues

General Law Division at 202-482-5391 – for advice regarding appropriations laws and laws regarding the release of information, conduct of advisory committee meetings, and general administrative law issues.

Office of Inspector General – The Ethics Law and Programs Division provides advice but does not investigate allegations of violations of law. To report fraud, waste, abuse, or other violations of law, or to request an investigation, call the Office of Inspector General Hotline at 800-424-5197 or 202-482-4661 or email hotline@oig.doc.gov.



FINANCIAL CONFLICTS OF INTEREST

ITA

Basic Principle: No Self-Dealing

General Rule. You may not participate as a Government official in a matter that will have a direct and predictable effect on your financial interests; on the financial interests of your spouse, minor children, household members, general partners, outside employers, or prospective employers; or on the financial interests of an organization in which you serve as a trustee, officer, or board member. This includes a matter that affects a company in which you own stock.

Exemptions from the General Rule. Exemptions permit you to participate in matters affecting a financial interest if the financial interest is:

- a holding in a diversified mutual fund;
- a holding in an industry sector-specific mutual fund or geographic sector-specific mutual fund of \$50,000 or less (if interests in all such funds in the same sector are \$50,000 or less);
- a publicly-traded stock or bond holding of \$15,000 or less;
- a publicly-traded stock or bond holding of \$25,000 or less with regard to a matter in which the entity is not a named party (and if total holdings in all affected entities are \$25,000 or less or, if it is a broad policy matter, if total holdings in the industry or group affected by the matter are \$50,000 or less); or
- not substantial and for which you have received a conflict of interest waiver through the Ethics Law and Programs Division. (Such waivers are generally available only for employees serving overseas under current Department policy.)

Special Rules for U.S. Citizens Overseas. If you are a U.S. citizen serving overseas (and were not hired locally), you and your spouse and family are restricted from investing in: stocks or bonds issued by a company that is headquartered or that conducts a substantial portion of its business in your country of assignment; mutual funds with a policy of concentrating its investments in companies in your assigned country; and real estate in your assigned country (other than a personal residence or retirement property purchased with the approval of the Chief of Mission). For interests in U.S. companies, waivers are usually available if the interests are \$50,000 or less. To obtain such a waiver, contact the Ethics Law and Programs Division at 202-482-5834 or ethicsdivision@doc.gov.



APPEARANCES OF BIAS (NON-FINANCIAL CONFLICTS OF INTEREST)

ITA

Basic Principle: No Special Favors

Appearances of Impropriety concerning Participating in Matters Involving Relatives and Associates. Unless you receive specific authorization, you may not participate in a matter as an ITA employee if one of the parties to the matter is (or is represented by) a person with whom you have a close family or business relationship (a “covered relationship”), if your participation would create an appearance of loss of impartiality.

Persons with whom you are considered to have a “covered relationship” include:

- persons with whom you have or are seeking a business or a financial relationship (other than a routine consumer transaction);
- members of your household;
- your close relatives;
- employers and clients of your parents, dependent children, and spouse (and their prospective employers and clients);
- former non-Federal employers and clients (for a one-year period, or a two-year period if you received an extraordinary severance payment from the former employer before entering into Federal service); and
- organizations in which you are an active participant (other than political organizations).

In addition, if you are a non-career (political) appointee and served as a registered lobbyist at any point in the two-year period before your appointment, for two years you may not work as a Federal employee on any matter on which you provided lobbying services or on any matter within the specific area on which you lobbied.

Exceptions. Authorization to participate in a matter in which one of these persons or entities is a party (or represents a party) may be granted if ITA’s need for your participation outweighs appearance concerns. To seek such an authorization, contact the Ethics Law and Programs Division at 202-482-5384.



GIFTS BRIBES AND SALARY SUPPLEMENTATION

ITA

Basic Principle: Avoid Undue Influence

Bribes and Salary Supplementation. You may not ask for or accept payment for taking or failing to take action as a Federal employee or for performing your Government job.

Personal Gifts. Generally, you may not accept a gift from anyone who has (or is seeking) a contract, grant, or other business with the Department; that is regulated by the Department; or has interests that may be affected by performance of your ITA duties or a gift that is offered because of your ITA position. This usually includes gifts to your spouse or minor child. However, *exceptions* allow you to accept:

- gifts of \$20 or less (other than cash) (up to \$50 per year from the same donor);*
- gifts from relatives or friends (if based on a personal relationship);
- invitations to widely-attended events (if from the host (generally) and if your supervisor approves your attendance as being in ITA's interest);*
- discounts available to a broad range of persons;
- awards and honorary degrees (in specified circumstances);*
- meals, lodging, or transportation based on outside employment;*
- business meals overseas, if a foreign citizen is present (to the city's *per diem*);* and
- gifts from a foreign government of \$335 or less—gifts of over \$335 may be accepted, but become property of the United States Government.

** this exception does not apply if you are a political appointee and the gift is from a lobbyist or lobbying organization that is not a 501(c)(3) organization or a media company*

Gifts between Employees. In general, you may not offer a gift to a supervisor or accept a gift from a subordinate. However, *exceptions* permit you to accept or give:

- a gift for a major life event (such as a child's birth, a retirement, or a wedding);
- items of \$10 or less given occasionally;
- food shared in the office; and
- personal hospitality at one's home or a gift to a host or hostess.

Gifts to ITA. With approval, you may accept a gift for ITA activities, if acceptance would not appear improper (and, if for travel, is not solicited); this generally bars gifts from ITA contractors or grantees or anyone with controversial matters before ITA.



OUTSIDE EMPLOYMENT AND ACTIVITIES

ITA

Basic Principle: Avoid Divided Loyalties

General Rule on Outside Employment. You may not engage in outside employment or any other outside activity that conflicts with your ITA position, including employment that requires disqualification from significant Government duties and activities that create an appearance of using public office for private gain. There are special rules for practicing law, writing or teaching for compensation, and working overseas. Furthermore, special rules apply regarding the outside activities of political appointees. Call the Ethics Law and Programs Division for advice on these rules.

Working for a Foreign Government. The U.S. Constitution bars you from working for, or accepting any compensation from, a foreign government, absent statutory approval.

Working Overseas. If you are in the Foreign Commercial Service and serve overseas, you are generally precluded from engaging in any outside employment, unless within the Embassy community or for an American university. Contact the Ethics Law and Programs Division for guidance on the specific rules applicable to you.

Contacting the Government and Receiving Payments for Communications by Others. You may not, in general, act as an agent or attorney or, if paid, otherwise represent anyone before any Federal agency or Federal court in your personal capacity. Representation includes any contact made on behalf of someone else with the intent to influence Government action. In addition, you are barred from receiving any payment that is based on the representational activities of someone else, such as a partner, before a Federal agency or Federal court during a period in which you served as a Federal employee. However, you may represent other Federal employees in some personnel disputes if you do not receive compensation and you may represent your parents, spouse, or children, or an estate or trust, if you receive prior approval. You also may represent, without compensation, professional, recreational, and similar groups before the Government if the majority of the organization's members are Federal employees or their spouses or dependents, and if the matter does not involve claims against the Government, proceedings in which the organization is a party, or Government financial benefits to the organization. Contact the Ethics Law and Programs Division at 202-482-5834 if you need to obtain prior approval or advice.



POLITICAL ACTIVITIES

ITA

Basic Principle: Keep Government and Political Activities Separate

General Restrictions concerning Engaging in Political Activities. You may not engage in partisan political activities while on Government premises or while on official duty. You also may not use the authority of your Government position or Government resources, in connection with partisan political activities. In addition, you may not:

- accept or receive a political contribution;
- personally solicit political contributions or host a political fund-raiser (except that a union member may solicit other members who are not subordinates for contributions to a multi-candidate political committee of the union);
- run as a candidate in a partisan election (except as an independent candidate in local elections in the Washington, D.C. suburbs and other designated areas); or
- solicit or accept volunteer services from a subordinate.

Permissible Activities. Except as indicated in the above restrictions, you may actively engage in political campaign activities during non-duty hours (unless you are a career member of the SES). Permissible activities include:

- assisting in the management of a campaign;
- serving as an officer in a political organization;
- soliciting votes (but not funds) for a candidate;
- giving speeches on behalf of a candidate or party; and
- making telephone calls or stuffing envelopes on behalf of a campaign.

Special Rules for Career SES Members. If you are a career member of the Senior Executive Service, you may not actively assist in the conduct of a partisan campaign or serve as an officer in a political organization, even during non-duty hours. These restrictions do not apply to Senior Foreign Service members. However, during non-duty hours you may actively participate in nonpartisan elections and non-candidate campaigns, such as for referenda. Regarding partisan candidate campaigns, you may vote, make contributions, sign nominating petitions, and engage in similar activities.

Restrictions on Activities Overseas. If you are a U.S. citizen employee serving overseas, you may not actively participate in a foreign electoral campaign; however, you may participate in U.S. campaign activities within the restrictions identified above.



MISUSE OF GOVERNMENT POSITION AND RESOURCES

ITA

Basic Principle: Do Not Steal

Use of Government Resources. You may use Government resources only for authorized Government activities. Such resources include Government equipment, supplies, and services, and the time of Government personnel. You may not use nonpublic information you receive as a Federal employee for personal purposes. You may, however, use frequent flier miles and other benefits you earned from Government travel for personal purposes, including personal travel or upgrades for official travel.

Rule on the Use of the Internet and E-mail. You may use access to e-mail and to the internet for personal activities if such use does not interfere with the business of your office and is not prohibited by your agency, *provided that* you do not use access for:

- obtaining or viewing sexually explicit material;
- the pursuit of private commercial business activities or profit-making ventures;
- partisan political activities;
- prohibited lobbying activities;
- uses that result in additional charges to the Government;
- engaging in prohibited discriminatory conduct;
- any activity that would bring discredit on the Department; or
- any violation of a statute or regulation.

You may also use office printers for personal internet and e-mail uses, provided it does not consume excessive resources.

Use of Government Position. You may not use your Government authority, including business contacts obtained through your Government employment, for personal activities. In addition, you may not use your ITA title in connection with a non-Government activity, except that you may use your Government title in connection with personal activities as part of general biographical data if it is given no more prominence than other significant biographical details.

If you are a political appointee (non-career employee), you are specifically required by an Ethics Pledge you signed to make hiring and employment decisions based on the candidate's qualifications, competence, and experience.



SEEKING EMPLOYMENT AND POST-EMPLOYMENT ACTIVITIES

ITA

Basic Principle: Avoid Divided Loyalties

Seeking Employment. Once you begin to seek non-Federal employment, you must disqualify yourself from working as a ITA employee on any matter that will affect a prospective employer. This disqualification continues until either you or the prospective employer indicate a decision not to pursue the matter further (or until two months with no response after submitting a résumé). If you are participating in a procurement over \$100,000, you must give written notice to your supervisor and an ethics official of employment contacts with or from a competing contractor.

Post-Employment Restrictions. After you leave Federal service, you may not:

- contact a Federal agency or court on behalf of someone else concerning a specific-party matter on which you worked;
- for two years, contact a Federal agency or court on behalf of someone else concerning a specific-party matter on which a subordinate of yours worked or which was otherwise under your responsibility during your last year of Federal service;
- for one year if you are a senior career employee or two years if you are a senior political appointee (have an annual base pay of \$155,440 or more), contact ITA (or the entire Department if you are a Presidential appointee) on behalf of someone else;
- for one year, if you are a senior employee, advise (or represent before the U.S. Government) a foreign government or foreign political party;
- disclose or use protected nonpublic Federal information, such as treaty negotiation information, private personnel information, trade secrets or proprietary business information, and national security information;
- for one year, accept compensation from the contractor of a \$10,000,000 or more procurement, if you served as a procurement official or program manager; or
- if you are a political appointee, for the remainder of the President's Administration, lobby any political appointee in the Executive Branch.

Exceptions and Special Post-Employment Rules. There are some exceptions to these rules, such as for providing testimony in some cases and for representing state and local governments, international organizations, and educational and medical institutions. Additional restrictions apply to attorneys, and to former employees who received buyouts. Contact the Ethics Law and Programs Division for a handout and advice.



FINANCIAL DISCLOSURE

ITA

Basic Principle: Tell the Whole Truth

Guidelines for Filing a Financial Disclosure Report. If you serve in a position in which your activities could have a substantial impact on the public, you may be required to file a financial disclosure report. Such reports are due when you are appointed to such a position and annually thereafter. The information requested on such forms—financial investments, liabilities, gifts, non-Federal positions, and arrangements with past and future employers—is information relevant to the ethics rules discussed in this handout. Ethics officials review the reports in order to identify potential conflicts of interest and to advise you on means to resolve any problem. For this system to work effectively, you must file your report on time and you must list all information requested as completely and clearly as possible.

Specific Guidance. When filling out your report, please:

- sign and date the report;
- if reporting an IRA or 401(k) plan, identify the specific holdings in the account;
- do not list as a gift payments for Government travel—these are gifts to the Government and should be reported on a Form CD 210 and a Form SF 326; and
- if listing an investment in, or position with, a closely-held company or partnership, identify the nature of the business and its location (city and state).

Remember that this information is used to provide advice to you, so the information you include on your report must be specific and complete in order to be useful.

**For further advice on ethics rules, contact the
Ethics Law and Programs Division
of the Assistant General Counsel for Administration,
U.S. Department of Commerce, at
202-482-5384 or ethicsdivision@doc.gov.**



GUIDELINES FOR EMPLOYEES OF THE INTERNATIONAL TRADE ADMINISTRATION

ITA

Financial Conflicts of Interest

Investments by Manufacturing and Services Employees – If you are in a Manufacturing and Services office, you should not invest in companies in the industry sector in which your office specializes or in sector-specific mutual funds focusing investments in that industry sector, unless you are careful to limit your investments to publicly-traded stocks and to keep total investments in such companies to \$15,000 or less (or, if you invest in sector-specific mutual funds, to \$50,000 or less). Even in such cases, you must be careful to avoid any appearance that you are using inside information when making investments.

Investments by Market Access and Compliance Employees – If you are in a Market Access and Compliance office, you should not invest in country-specific mutual funds that focus on investments in a country that is under your office's area of responsibility, unless you are careful to limit your total investments in funds that invest in the same country to \$50,000 or less.

Investments by U.S. and Foreign Commercial Service Employees Serving Overseas. If you are a U.S. citizen serving overseas in the Foreign Commercial Service (and were not hired locally), you and your spouse and family are restricted from investing in stocks or bonds issued by a company that is headquartered or that conducts a substantial portion of its business in your country of assignment; in mutual funds with a policy of concentrating investments in companies in that country; and in real estate in your assigned country (other than a personal residence or retirement property purchased with the approval of the Chief of Mission).

Appearances of Bias (Non-Financial Conflicts of Interest)

Participation in Professional Organizations – If, in a personal capacity, you are an active member of a professional organization, such as an association of international trade professionals, you will be barred from participating at ITA in matters in which that organization is a party or is representing a party. If this will interfere with your ITA duties, you should refrain from such activities or should seek advice from the Ethics Law and Programs Division. If you are serving with an organization, you must be careful not to commingle your private and Government activities, such as by speaking at an organization event in your official capacity or while on Government time. If it is useful for your office to provide input to the organization, you may be permitted to serve as a liaison in an official capacity, but only if you do not also have a role with the organization in a private capacity.

You may not serve in an official capacity as an officer or director of a non-Federal organization (unless it is a standards-setting body).

Employment After Serving as a Lobbyist – If you are a political appointee, you are required to sign a pledge agreeing that if you worked as a lobbyist (were required to register under the Lobbying Disclosure Act) or a lobbying organization, you will not seek or accept Federal employment with any Executive Branch agency that you lobbied. In addition, as provided in the Ethics Pledge, for two years after your appointment to the Government, you will not participate as a Government official in any matter on which you lobbied during the two years prior to your Federal employment or participate in the specific issue area in which such matter falls. You should contact an attorney in the Ethics Law and Programs Division at 202-482-5384 for further guidance on this restriction if you have a question.

Authorization to Participate in a Matter Involving a Former Employer or Client – As noted in the summary of ethics rules, you generally may not participate in a matter if one of the parties is a former employer or client, or if one of the parties is represented by a former employer or client, for a period of one or two years (depending on severance payment arrangements and whether you are a political appointee). If it is important for ITA that you participate in the matter, notwithstanding the potential appearance problems, special authorization to participate is available through the Ethics Law and Programs Division.

Gifts, Bribes, and Salary Supplementation

Gifts from Lobbyists and Lobbying Organizations to Political Appointees – If you are a political appointee, you are required to sign an Ethics Pledge agreeing not to accept gifts from lobbyists or lobbying organizations (persons required to register under the Lobbying Disclosure Act and organizations hiring such persons), in most cases even if an exception applies under the general ethics regulations relating to gifts. This bar on gifts from lobbyists does not apply, however, to gifts from 501(c)(3) organizations or from media companies. However, if you are a political appointee, you may not accept from a lobbyist or lobbying organization: gifts of \$20 or less as well as gifts over that amount (unless an exception applies not related to the value of the gift); invitations to widely-attended events (regardless of whether your supervisor signs an approval form); awards and honorary degrees; business meals overseas; and meals, lodging, transportation, and similar benefits based on an outside business relationship.

Widely-Attended Events – You may be invited to an event, such as a dinner, lunch, or reception, held by a company or organization with interests in ITA activities. You may attend such an event if: (1) the value of the invitation is \$20 or less (and total gifts you received from the person or firm inviting you will remain \$50 or less for the year) or your supervisor approves your attendance as in the interest of ITA (and, if the invitation is not from the host, more than 100 persons are attending and the value per person is \$335 or less) and (2) if you are a political appointee, the invitation is not from a lobbyist or lobbying organization (unless it is a 501(c)(3) organization or a media company). To an

event for which you received supervisory approval to attend, you may also bring your spouse or an accompanying guest if other persons invited are also allowed to bring a spouse or accompanying guest. However, you may not attend such an event if it is primarily entertainment in nature, such as a concert or sports event. A supervisor reviewing such a request for approval must carefully consider the benefit the agency will receive and determine whether there will be any adverse public reaction to a ITA employee attending the event and, if so, whether the benefit outweighs the appearance of impropriety. The Ethics Law and Programs Division will provide a form for your supervisor to sign that describes all the factors that must be considered before approval is given.

Gifts from a Foreign Government – Due to a change in law in 2008, gifts from a foreign government of \$335 or less may be accepted and retained by an employee for personal use. Gifts of greater value are accepted on behalf of the United States Government. Prior to 2008, the value of gifts that could be retained was \$305.

Meals Overseas – You may accept a meal overseas of a value up to the total *per diem* rate for the city in which the meal takes place if the purpose of the meal is to discuss official business and if at least one of the persons present is: (1) a citizen of a country other than the United States (and is not a U.S. Government employee) or (2) representing a non-U.S. company or organization.

Honoraria in Connection with Official Speaking Engagements – ITA has authority to accept travel payments in connection with official speaking engagements, if not solicited and if the circumstances would not be likely to create an appearance of loss of impartiality in the operation of ITA activities. However, a Department policy bars agencies, including ITA, from accepting an honorarium in connection with an official speech or appearance.

MECEA Contributions and Joint Projects – In addition to accepting gifts to support ITA programs, the Mutual Educational and Cultural Exchange Act authorizes ITA to accept contributions for informational and similar programs. Such support may be available for an ITA-sponsored conference, seminar, or similar event. However, in accepting such contributions, ITA must follow the same standards as for a gift. Therefore, a contribution may not be accepted in circumstances that will create an appearance of loss of impartiality regarding the operation of agency programs. ITA may also engage in joint projects with non-profit, research, or public organizations, such as research projects with universities, conferences with trade associations, and office space co-locations with state trade associations. For advice on MECEA contributions and joint projects, contact the General Law Division at 202-482-5391.

Soliciting Gifts for ITA Programs – ITA may solicit, as well as accept, gifts (other than travel gifts) to support ITA programs, provided that the gift would not present an appearance of loss of impartiality with regard to agency programs or employees. This authority has been used in the past to obtain funding in support of international trade conferences and similar

events. It is important that any solicitation program be conducted in a manner that ensures fairness and avoids any appearance of preferential treatment to donors. Thus, solicitations should be broad-based—made to trade associations or groups representing a broad spectrum of companies or to a broad spectrum of interested companies. Sponsorship arrangements may not include an agreement of exclusivity (i.e., sponsors may not bar acceptance of donations from competing companies) and may not include arrangements for donors to have special access to Government officials or to Government information. Before soliciting gifts, you should seek specific guidance from the Ethics Law and Programs Division.

Outside Employment and Activities

Service with Non-Federal Organizations – If you serve as an officer or director of an outside organization, such as a professional organization or trade association, you may not participate as an ITA employee on any matter that is likely to affect the financial interests of the organization. This may preclude you from serving with organizations that are active in matters before your office. If it would benefit ITA to have an official relationship with a private organization, you may be assigned as a liaison to the organization, in which case your service with the organization would be in an official capacity, rather than a personal capacity. However, you may not be assigned to serve in an official capacity as an officer or director of a non-Federal organization (other than a standards-setting body). (Also note the guidance below regarding serving with a private organization overseas.)

Service with Private Organizations Overseas – If you are in the Commercial Service and serve overseas, you must receive approval from both the Chief of Mission and the Assistant General Counsel for Administration for you or your spouse or a family member to serve as an officer, director, or trustee of a private organization in a private capacity overseas. You also should seek guidance from the Ethics Law and Programs Division regarding serving in an official capacity with an outside organization; official service as a board member or officer is barred in most cases. Fund-raising for a private organization in an official capacity is permitted in some circumstances, with the approval of the Chief of Mission, if it will advance U.S. foreign policy interests. You should seek further advice before engaging in such fund-raising.

Engaging in Outside Employment and Outside Activities Overseas – If you are a United States citizen employee serving in the Commercial Service overseas, you, your spouse, and your family members may not speculate in currency exchange; engage in transactions at exchange rates differing from local legally-available rates in your country of assignment (unless authorized in advance by the Chief of Mission); sell currency acquired at preferential rates through diplomatic or other restricted arrangements to unauthorized persons; engage in transactions that entail the use of the diplomatic pouch or other official mail, except as authorized; transfer blocked funds in violation of U.S. foreign funds and asset controls; engage in independent and unsanctioned private transactions that involve you as an individual in violation of applicable currency control regulations of the foreign

government; or act as an intermediary in the transfer of private funds from persons in one country to persons in another country, including the United States, except as authorized as part of your official duties.

Furthermore, if you are a U.S. citizen employee working overseas (and are not locally-hired), you may not work for compensation; you also may not transact, or have an interest in, any business in your country of assignment and your spouse or a family member may not engage in outside employment in any foreign country or undertake an outside activity that would violate any law of the country, would require a waiver of diplomatic immunity deemed unacceptably broad by the Chief of Mission, or could otherwise damage the interests of the United States, as determined by the Chief of Mission of that country.

If you are not a U.S. citizen employee in the Foreign Commercial Service (are Locally Employed Staff), you must receive approval from the Chief of Mission before accepting any outside employment. Approval will be granted unless the activity would violate any law of the country or could damage the interests of the United States. However, you and your spouse and family members may, without such approval, accept employment that takes place solely within the U.S. embassy community and may receive compensation for teaching, if it is for an extension program of an accredited U.S. degree-granting institution or for a private foreign university that is not state-supported.

Sale of Personal Property Overseas – If you are a U.S. citizen in the Commercial Service serving overseas, you, your spouse, and family members may not sell or dispose of personal property that was imported into or purchased from a foreign country if it was exempt by virtue of your Government position from import limitations, customs duties, or taxes that would otherwise apply, unless the Chief of Mission approves.

Representing Others Before Federal Agencies – Employees in ITA, like all Executive Branch employees, are barred from serving as an agent or attorney for, or, if paid, otherwise representing, anyone before a Federal agency or Federal court. This generally bars any communications made with the intent to influence Government action. However, you may contact other agencies in an official capacity if the communication supports an agency program, including contacting the Bureau of Citizenship and Immigration Services of the Department of Homeland Security (the successor agency to the Immigration and Naturalization Service (INS)) to recommend a residency permit for an individual whose presence in the United States directly supports a Department program. Such contacts may only be made to support an agency program and should be approved by a senior official in ITA.

Political Activities

Use of Access to E-Mail – It is important that you do not send, or even forward, political messages using your Government e-mail account or your Government computer to access a private e-mail account. Such use of Government resources is an improper political activity and is the most frequent basis for referrals to the Office of Special Counsel for disciplinary action.

Engaging in Political Activities Overseas – As noted in the summary of ethics rules, if you are a United States citizen in the Commercial Service serving overseas, you may not actively participate in local political activities. If you are citizen of the country of the overseas office, you may participate in local political activities, provided that your activities are consistent with local laws and rules established at the post, and that such activities are conducted during non-duty hours and that U.S. Government resources are not used. If you serve overseas you may engage in political activities relating to a United States election, consistent with limits on such activities (i.e., Government resources may not be used, activities must take place off Government premises and during non-duty hours, and you may not solicit or accept campaign contributions or run for office in a partisan election.)

Political Activities by Senior Foreign Service Officers – Although Senior Executive Service members are subject to stricter rules than most employees with regard to engaging in off-duty political activities, you are not subject to these stricter rules if you serve in the Senior Foreign Service.

Misuse of Government Resources

Protection of Information – As an ITA employee, you must be particularly careful to safeguard non-public information to which you have access, such as business proprietary information obtained in the course of an antidumping or countervailing duty investigation, confidential information obtained in the course of treaty or trade negotiations, or classified national security information.

Employment Decisions by Political Appointees – If you are a political appointee, you were required to sign an Ethics Pledge in which you agree that any hiring or other employment decision you make is based on the candidate's qualifications, competence, and experience.

Seeking Employment and Post-Employment Activities

Post-Employment Restrictions Relating to Treaties and Trade Agreements – The general post-employment restrictions bar contacts with agency officials relating to “particular matters involving specific parties” on which the former employee worked or that were under the former employee's official responsibility. For purposes of this restriction, a treaty or trade agreement may be considered a particular matter involving specific parties, depending on the nature of the treaty or agreement. If you worked on such a treaty or

trade agreement as an ITA employee, you will be barred from representing anyone regarding the treaty or trade agreement before a Federal court or a Federal agency, such as the Department of State or the Office of the United States Trade Representative. However, this would not bar you from representing parties in a dispute that will be settled under the terms of such a treaty or trade agreement. Thus, if you worked on a Free Trade Agreement (FTA) while with ITA, you will not necessarily be barred from representing a party in a dispute being resolved in procedures set forth in the FTA after you leave Federal service. You should contact the Ethics Law and Programs Division for further advice on this matter if such a situation arises.

Antidumping and Countervailing Duty Cases – If you participated in an antidumping investigation or an annual review of an antidumping case, you may not necessarily be barred from representing others after you leave ITA regarding a subsequent annual review or a sunset review relating to the matter on which you worked. This is because the different proceedings may be considered different “particular matters” and the general post-employment rules bar representing someone on the same particular matter on which you worked while with the Government (or which was pending under your official responsibility). You should seek specific advice from the Ethics Law and Programs Division regarding such cases.

Nonpublic Information Regarding an Ongoing Treaty Negotiation – Former Federal employees are specifically barred for one year after leaving Federal service from either using or disclosing nonpublic information obtained in the course of a treaty negotiation in connection with representational activities before the Federal Government. This restriction applies to you even if you are not a member of the negotiating team for the United States.

Definition of “Senior Employee” – The definition of “senior employee” for purposes of post-employment restrictions means anyone receiving base pay equivalent to or greater than 86.5% of Executive Level II, which, in 2010 is equal to or greater than \$155,440. If your base pay is this amount, you will be subject to the one-year “no-contact” rule and the restrictions on representing or advising foreign governments.

New Restrictions Applicable to Political Appointees – If you are a political appointee, you are required to sign an Ethics Pledge in which you agree to a number of restrictions that will apply after you leave Federal service. These restrictions, which do not apply to career Federal employees, are that:

- for the remainder of the President’s Administration, you will not lobby (provide services that require registration under the Lobbying Registration Act) any political appointee in the Executive Branch, or any admiral or general;
- if you leave Federal service to become a lobbyist or work for a lobbying organization, you will not seek or accept employment with a Federal agency that you lobbied during the prior two years; and
- if you are a senior employee (annual base pay of \$155,440 or more), for two years

after leaving Federal service you will not represent anyone before your former agency, which is ITA (or, if you are a Presidential appointee in a Senate-confirmed position, the Department of Commerce).

The requirement to sign an Ethics Pledge, and the imposition of these restrictions, are based on an Executive Order on ethics that the President issued on January 21, 2009.



CITATIONS TO APPLICABLE LAW

ITA

Financial Conflicts of Interest

18 United States Code (U.S.C.) § 208
5 Code of Federal Regulations (C.F.R.) §§ 2635.402-2635.403, 2635.502,
2640.201-2640.202
3 Foreign Affairs Manual (FAM) 4120

Appearances of Bias (Non-Financial Conflicts of Interest)

5 C.F.R. §§ 2635.501-2635.503
Executive Order 1349, dated January 21, 2009

Gifts, Bribes, and Salary Supplementation

5 U.S.C. §§ 7342, 7351, and 7353; 15 U.S.C. § 1522; 18 U.S.C. §§ 201 and 209
5 C.F.R. §§ 2635.201-2635.205, 2635.301-2635-304; 41 C.F.R. Part 304-1
Department Administrative Order 203-9
Executive Order 13490, dated January 21, 2009

Outside Activities and Lobbying the Government

18 U.S.C. §§ 203, 205, and 208; 5 C.F.R. §§ 2635.801-2635.809
3 FAM 4120

Political Activities

5 U.S.C. § 7321-7326; 5 C.F.R. §§ 734.201-734.702; 3 FAM 4120

Misuse of Government Position and Resources

18 U.S.C. § 641; 5 C.F.R. §§ 2635.701-2635.705
Department of Commerce Internet Use Policy

Seeking Employment and Post-Employment Activities

18 U.S.C. §§ 207 and 208; 41 U.S.C. § 423
5 C.F.R. Parts 2635, 2637, and 2641; 15 C.F.R. §§ 15.11-15.18; 37 C.F.R. Part 10
Executive Order 13490, dated January 21, 2009

*Prepared by the Ethics Law and Programs Division, Office of the Assistant General Counsel for
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